

REMARKS

Claims 21-36 and 41-45 are pending in this application. Applicant has cancelled Claims 37-40, without prejudice, Applicant has added new Claims 41-45, and Applicant has amended Claims 21, 26, 29, and 32. Applicant has amended independent Claim 21 in order to more clearly distinguish the present invention, as defined by independent Claim 21, over the prior art. Applicant respectfully submits that the amendments to Claims 21, 26, 29, and 32 do not contain new matter. Applicant further submits that newly added Claims 41-45 do not contain new matter. Applicant respectfully submits that the present invention, as defined by Claims 21-36 and 41-45, is patentable over the prior art.

Applicant has also deleted the Abstract Of The Disclosure and has substituted therefor the new Abstract Of The Disclosure which is attached hereto on a separate sheet. Applicant respectfully submits that the new Abstract Of The Disclosure does not contain new matter.

Based on the foregoing amendments and the following Remarks, the application is deemed to be in condition for allowance and action to that end is respectfully requested.

I. THE 35 U.S.C. §102 AND §103 REJECTIONS:

The Examiner asserts that Claims 21-22, 24, 26-27, and 29-36 are rejected under 35 U.S.C. §102(e) as being anticipated by Boyer, et al., U.S. Patent No. 6,208,973 (Boyer). The Examiner also asserts that Claims 23 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Boyer in view of Rosenfeld, et al., U.S. Patent No. 6,804,656 (Rosenfeld). The Examiner also asserts that Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Boyer in view of Sun, et al., U.S. Patent No. 6,273,856 (Sun).

As noted above, Applicant has cancelled Claims 37-40, without prejudice, Applicant has added new Claims 41-45, and Applicant has amended Claims 21, 26, 29, and 32. Applicant has amended independent Claim 21 in order to more clearly distinguish the present invention, as defined by independent Claim 21, over the prior art. Applicant respectfully submits that the amendments to Claims 21, 26, 29, and 32 do not contain new matter. Applicant further submits that newly added Claims 41-45 do not contain new matter.

Applicant respectfully submits that the present invention, as defined by Claims 21-36 and 41-45, is patentable over the prior art.

**IA. THE PRESENT INVENTION, AS DEFINED BY CLAIMS 21-36 AND 41-45,
IS PATENTABLE OVER THE PRIOR ART:**

Applicant respectfully submits that the present invention, as defined by Claims 21-36 and 41-45, is patentable over the prior art. Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art.

Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Boyer, Rosenfeld, Sun, and any combination of same. Applicant respectfully submits that Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest the present invention, as defined by independent Claim 21. Applicant respectfully submits that Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest an apparatus, comprising at least one of an input device for inputting information regarding an individual and a receiver for automatically receiving information regarding an individual, wherein the information regarding an individual contains information regarding at least one of a diagnosis and a treatment plan, and a processing device, wherein the processing device processes the information regarding an individual and at least one of stores the information regarding an individual in a database or a memory device and updates a healthcare record

associated with the individual, and further wherein the processing device automatically generates information regarding an insurance claim, wherein the information regarding an insurance claim is suitable for being automatically submitted to a healthcare insurer or a healthcare payer, all of which features are specifically recited features of independent Claim 21.

Applicant submits that Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest the recited apparatus, comprising the recited at least one of an input device for inputting information regarding an individual and a receiver for automatically receiving information regarding an individual, wherein the recited information regarding an individual contains the recited information regarding at least one of a diagnosis and a treatment plan, and the recited processing device which processes the recited information regarding an individual and at least one of stores the recited information regarding an individual in a database or a memory device and updates a healthcare record associated with the individual, and which processing device automatically generates the recited information regarding an insurance claim, wherein the recited information regarding an insurance claim is suitable for being automatically submitted to a healthcare insurer or a healthcare payer.

Applicant submits that Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest the recited processing device which processes the recited information regarding an individual and at least one of stores the recited information regarding an individual in a database or a memory device and updates a healthcare record associated with the individual, and which processing device automatically generates the recited information regarding an insurance claim, wherein the recited information regarding an insurance claim is suitable for being automatically submitted to a healthcare insurer or a healthcare payer.

Applicant further submits that Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest a transmitter for automatically transmitting the information regarding an insurance claim to a computer or a communication device associated with the healthcare insurer or the healthcare payer, all of which features are still other specifically recited features of independent Claim 21.

Applicant submits that Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest the recited transmitter for automatically transmitting the recited information regarding an insurance claim to the recited computer

or the recited communication device associated with the healthcare insurer or the healthcare payer.

In view of the foregoing, Applicant respectfully submits that Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest many of the specifically recited features of independent Claim 21. Applicant further respectfully submits that Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest all of the specifically recited features of independent Claim 21.

In view of the foregoing, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over Boyer, Rosenfeld, Sun, and any combination of same.

In view of the above, Applicant respectfully submits that the present invention, as defined by independent Claim 21, is patentable over the prior art. Applicant further respectfully submits that Claims 22-36 and 41-45, which claims depend either directly or indirectly from independent Claim 21, so as to include all of the limitations of independent Claim 21, are also patentable as said Claims 22-36 and 41-45 depend from allowable subject matter. In particular, Applicant respectfully submits that Boyer, Rosenfeld, Sun, and any combination of same, do not

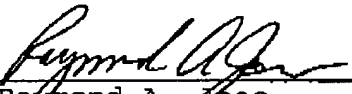
disclose or suggest all of the specifically recited features of independent Claim 21, and, therefore, Boyer, Rosenfeld, Sun, and any combination of same, do not disclose or suggest all of the features of each of dependent Claims 22-36 and 41-45.

Allowance of pending Claims 21-36 and 41-45 is, therefore, respectfully requested.

II. CONCLUSION:

In view of the foregoing, the application is deemed to be in condition for allowance and action to that end is respectfully requested. Allowance of pending Claims 21-36 and 41-45 is respectfully requested.

Respectfully Submitted,


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Encls.: - Abstract of the Disclosure

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